

“(C) priority processing for searches;

“(D) further reduced scores in the automated targeting system; and

“(E) streamlined billing of any customs duties or fees.

“(d) CONSEQUENCES OF LACK OF COMPLIANCE.—

“(1) IN GENERAL.—Any participant whose security measures and supply chain security practices have been determined by the Secretary to be out of compliance with any requirements of the program shall be denied benefits under the program.

“(2) RIGHT OF APPEAL.—Any participant determined by the Secretary under paragraph (1) not to be in compliance with the requirements of the program may appeal that determination to the Secretary.”.

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 70116 and inserting the following:

“70116. Automated targeting system

“70117. Container security initiative

“70118. Customs-Trade Partnership Against Terrorism validation program

“70119. Secure systems of transportation

“70120. In rem liability for civil penalties and certain costs

“70121. Firearms, arrests, and seizure of property

“70122. Withholding of clearance

“70123. Enforcement by State and local officers

“70124. Container security initiative

“70125. Civil penalty”.

(2) Section 70117(a) of title 46, United States Code, is amended by striking “section 70120” and inserting “section 70125”.

(3) Section 70119(a) of such title, as redesignated by subsection (a)(1) of this section, is amended—

(A) by striking “under section 70119,” and inserting “under section 70125,”; and

(B) by striking “under section 70120,” and inserting “under that section.”.

SEC. —306. TECHNICAL REQUIREMENTS FOR NON-INTRUSIVE INSPECTION EQUIPMENT.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Domestic Nuclear Detection Office, in consultation with the National Institute of Science and Technology and the U.S. Customs and Border Protection, shall initiate a rulemaking—

(1) to establish minimum technical requirements for the capabilities of non-intrusive inspection equipment for cargo, including imaging and radiation devices; and

(2) to ensure that all equipment used can detect risks and threats as determined appropriate by the Secretary.

(b) ENDORSEMENTS; SOVEREIGNTY CONFLICTS.—In establishing such requirements, the Domestic Nuclear Detection Office shall be careful to avoid the endorsement of products associated with specific companies and the creation of sovereignty conflicts with participating countries.

(c) RADIATION SAFETY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a plan to the Senate Committee on Commerce, Science, and Transportation, Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Appropriations, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Appropriations that—

(1) details the health and safety impacts of nonintrusive inspection technology; and

(2) describes the policy of the Bureau of Customs and Border Protection for using nonintrusive inspection equipment.

(d) FINAL RULE DEADLINE.—The Domestic Nuclear Detection Office shall issue a final rule under subsection (a) within 1 year after the rulemaking proceeding is initiated.

SEC. —307. RANDOM INSPECTION OF CONTAINERS.

Within 1 year after the date of enactment of this Act, the Commissioner of Customs and Border Protection shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling standards for random physical inspection of shipping containers in addition to any targeted or pre-shipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Commissioner. Nothing in this section shall be construed to mean that implementation of the random sampling plan would preclude the additional physical inspection of shipping containers not inspected pursuant to the plan.

SEC. —308. PORT SECURITY USER FEE STUDY.

The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. Within 1 year after date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that—

(1) contains the Secretary's findings, conclusions, and recommendations (including legislative recommendations if appropriate); and

(2) includes an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security.

SEC. —309. PORT SECURITY GRANTS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking “for making a fair and equitable allocation of funds” and inserting “based on risk and vulnerability”.

(b) ELIGIBLE COSTS.—Section 70107(b) of title 46, United States Code, is amended by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(c) LETTERS OF INTENT.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

“(5) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to port sponsors from the Fund.”.

(d) OPERATION SAFE COMMERCE.—Section 70107(i) of title 46, United States Code, is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) the following:

“(4) OPERATION SAFE COMMERCE.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the [To be supplied] Act, the Secretary shall initiate grant projects that—

“(i) integrate nonintrusive inspection and radiation detection equipment with automatic identification methods for containers, vessels, and vehicles;

“(ii) test physical access control protocols and technologies;

“(iii) create a data sharing network capable of transmitting data required by entities

participating in the international supply chain from every intermodal transfer point to the National Targeting Center of the Department; and

“(iv) otherwise further maritime and cargo security, as determined by the Secretary.

“(B) SUPPLY CHAIN SECURITY FOR SPECIAL CONTAINER AND NONCONTAINERIZED CARGO.—The Secretary shall consider demonstration projects that further the security of the international supply chain for special container cargo, including refrigerated containers, and noncontainerized cargo, including roll-on/roll-off, break-bulk, liquid, and dry bulk cargo.

“(C) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary shall submit a report detailing the results of Operation Safe Commerce to—

“(i) the Senate Committee on Commerce, Science, and Transportation;

“(ii) the Senate Committee on Homeland Security and Governmental Affairs;

“(iii) the House of Representatives Committee on Homeland Security;

“(iv) the Senate Committee on Appropriations; and

“(v) the House of Representatives Committee on Appropriations.”.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The Secretary of Homeland Security shall—

(1) direct research, development, test, and evaluation efforts in furtherance of maritime and cargo security;

(2) encourage the ingenuity of the private sector in developing and testing technologies and process innovations in furtherance of these objectives; and

(3) evaluate such technologies.

(f) COORDINATION.—The Secretary of Homeland Security, acting through the Undersecretary for Science and Technology, in consultation with the Assistant Secretary for Policy, the Director of Cargo Security Policy, and the Chief Financial Officer, shall ensure that—

(1) research, development, test, and evaluation efforts funded by the Department in furtherance of maritime and cargo security are coordinated to avoid duplication of efforts; and

(2) the results of such efforts are shared throughout the Department, as appropriate.

SEC. —310. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) is amended by inserting after “area.” the following: “In this paragraph, the term ‘economic disruption’ does not include a work stoppage or other non-violent employee-related action resulting from an employee-employer dispute.”.

SEC. —311. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, in coordination with the Secretary of State, and their Canadian counterparts, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States port.

SA 3823. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 14 after “That” insert the following:

of the funds appropriated under this heading, not less than \$3,300,000 shall be made